

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 649 final.

Brussels, 8 December 1977

Proposal for a  
second Council Decision  
amending the Annex to Fifth Council Decision 76/539/EEC on the  
equivalence of seed produced in third countries

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Proposal for a  
second Council Decision  
amending the Annex to Fifth Council Decision 76/538/EEC on the  
equivalence of field inspections carried out in third countries  
on seed producing crops

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Proposal for a  
COUNCIL DECISION  
on the equivalence of the checks on practices for the  
maintenance of varieties carried out in third countries

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(submitted to the Council by the Commission)

COM(77) 649 final.



# EXPLANATORY NOTE

The provisions of article 21 (1) (b) of the Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species (1), as last amended by Council Directive 73/438/EEC of 11 December 1973 (2) and the provisions of article 32 (1) (b) of the Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (3), as last amended by Council Directive 76/307/EEC of 15 March (4) provide for that, with regard to the varieties being maintained in third countries.

The checks on practices for the maintenance carried out in these third countries, have to be recognized as being equivalent to the checks on practices carried out in the Member States.

In the case of 9 third countries, the examination of the checks of practices for the maintenance carried out in these countries has shown that the equivalence can be granted.

This equivalence allows<sup>to</sup> the Member States to accept officially the varieties of the third countries concerned.

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(1) OJ N° L 225, 12/10/1970, p. 1

(2) OJ N° L 356, 27/12/1973, p. 79

(3) OJ N° L 225, 12/10/1970, p. 7

(4) OJ N° L 72, 18/3/1976, p. 16

Proposal for a second

Council Decision amending the Annex to Fifth Council Decision 76/539/EEC on the equivalence of seed produced in third countries

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed (1), as last amended by Directive 76/331/EEC (2), and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (3), as last amended by Directive 75/444/EEC (4), and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (5), as last amended by Directive 75/444/EEC, and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (6), as last amended by Directive 75/444/EEC, and in particular Article 15 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas by Council Decision 76/539/EEC of 17 May 1976 (7) equivalence has been granted for seed of 20 third countries ;

Whereas for certain species this equivalence relates also to New Zealand ;

Whereas in the meantime it has been established that there are rules on seed control for a range of plant species also in Cyprus and the German Democratic Republic ;

Whereas an examination of the rules of the abovementioned countries and of the manner in which they are applied has shown that the conditions governing certain seed harvested and controlled in these countries afford the same assurances as regards the seed's characteristics, identity, examination, marking and control, as do the conditions applicable to seed harvested and controlled within the Community ;

Whereas Cyprus and the German Democratic Republic should therefore also be granted equivalence and the existing equivalence for New Zealand should be extended to sugar beet ;

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(1) OJ N° 125, 11/7/1966, p. 2290/66

(2) OJ N° L 83, 30/3/1976, p. 34

(3) OJ N° 125, 11/7/1966, p. 2298/66

(4) OJ N° L 196, 26/7/1975, p. 6

(5) OJ N° 125, 11/7/1966, p. 2309/66

(6) OJ N° L 169, 10/7/1969, p. 3

(7) OJ N° L 162, 23/6/1976, p. 10

Whereas, moreover, the "Special Conditions" have to be adapted to the special circumstances of the abovementioned countries ;

Whereas this Decision does not affect the provisions laid down in the Protocol on German International Trade and connected problems,

HAS ADOPTED THIS DECISION :

Article 1

With effect from 1 July 1978, there shall be added to the Annex to Decision 76/539/EEC the entries set out in the Annex hereto.

Article 2

The "Special Conditions" in the annex to Decision 76/539/EEC shall be amended as follows :

1. The following shall be substituted for item 4 :

"4. In the case of certified seed or certified seed of the first generation, the basic seed and, in the case of certified seed of the second and subsequent generations, the certified seed of the preceding generation or generations :

(a) shall have been officially controlled or certified in a third country which has been granted equivalence in the same way for the same species or within the Community ;

(b) shall have been officially certified within the Community."

2. The following shall be added after item 4 :

"4 A. In the case of basic seed, the seed of the preceding generation has been officially controlled within the Community in accordance with the provisions applicable for the certification of basic seed."

3. The following shall be added after item 13 :

"14. The seed has been produced on official premises."

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,

ANNEX

Ref. No	Country	Authority	Species	Categories :		Special conditions
				in the country	in the Commu- ty	
1	2	3	4	5	6	7
21	Cyprus (CY)	Ministry of Agriculture and Natural Resources - Department of Agriculture, Nicosia	Fodder Kale	- Basic seed - Certified seed	- Basic seed - Certified seed	1,3,4A,5,8,9,10,14 1,3,4(b),5,8,9,10
22	German Democrat- ic Republic (DDR)	Amt für Stan- dardisierung, Messwesen und Waren- rührung, Berlin	<ul style="list-style-type: none"> <li>- Beet</li> <li>- Grass and legume species subject to national rules on varietal control</li> <li>- Swede, fodder kale, fodder radish</li> <li>- Cereals, except canary grass, rice and maize</li> </ul>	<ul style="list-style-type: none"> <li>- Basic seed</li> <li>- Certified seed</li> <li>- Basic seed</li> <li>- Certified seed, 1st gene- ration</li> <li>- Certified seed, 2nd and later genera- tions</li> <li>- Basic</li> <li>- Certified seed</li> <li>- Basic seed</li> <li>- Certified seed, 1st gene- ration</li> <li>- certified seed, 2nd gene- ration (except rye)</li> </ul>	<ul style="list-style-type: none"> <li>- Basic seed</li> <li>- Certified seed</li> <li>- Basic seed</li> <li>- Certified seed, 1st genera- tion</li> <li>- Certified seed, subsequent generations</li> <li>- Basic seed</li> <li>- Certified seed</li> <li>- Basic seed</li> <li>- Certified seed, 1st gene- ration</li> <li>- Certified seed, 2nd gene- ration (except rye)</li> </ul>	<ul style="list-style-type: none"> <li>1,3,6,8,9,10 1,3,4(a),6,8,9,10</li> <li>1,3,5,8,9,10 1,3,4(a),5,8,9,10</li> <li>1,3,4(a),5,8,9,10</li> <li>1,3,5,8,9,10 1,3,4(a),5,8,9,10</li> <li>1,3,5,8,9,10 1,3,4(a),5,8,9,10</li> <li>1,3,4(a),5,8,9,10</li> </ul>

5

Ref. No	Country	Authority	Species	Categories :		Special conditions
				in the country	in the Commu- nity	
1	2	3	4	5	6	7
			- oil and fibre plants subject to national rules on varietal control	- Basic seed - Certified seed, 1st gene- ration	- Basic seed - Certified seed, 1st gene- ration	1,3,5,8,9,10 1,3,4(a),5,8,9,10
7	New Zealand (NZ)	Ministry of Agri- culture and Fishe- ries	- Sugar beet	- Certified seed	- Certified seed	1,3,4(b),6,8,9,10

## Proposal

for a Council Decision amending the Annex to Fifth Council Decision 76/538/EEC on the equivalence of field inspections carried out in third countries on seed producing crops

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed (1), as last amended by Directive 76/331/EEC (2), and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (3), as last amended by Directive 75/444/EEC (4), and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (5), as last amended by Directive 75/444/EEC, and in particular Article 16 (1) (a) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants (6), as last amended by Directive 75/444/EEC, and in particular Article 15 (1) (a) thereof,

Having regard to the proposal from the Commission,

Whereas by Council Decision 76/538/EEC of 17 May 1976 (7) equivalence has been granted for field inspections on seed-producing crops of 20 third countries;

Whereas for certain species this equivalence relates also to New Zealand;

Whereas in the meantime it has been established that there are rules on seed control for a range of plant species also in Cyprus and the German Democratic Republic which provide for official field inspection carried out during the period of seed production ;

Whereas an examination of the rules of the abovementioned countries and of the manner in which they are applied has shown that the prescribed field inspections satisfy the conditions laid down in Annex I to each of the abovementioned Directives ;

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(1) OJ N° 125, 11/7/1966, p. 2290/66

(2) OJ N° L 83, 30/3/1976, p. 34

(3) OJ N° 125, 11/7/1966, p. 2298/66

(4) OJ N° L 196, 26/7/1975,

(5) OJ N° 125, 11/7/1966, p. 2309/66

(6) OJ N° L 169, 10/7/1969, p.3

(7) OJ N° L 162, 23/6/1976, p. 1



Whereas Cyprus and the German Democratic Republic should therefore also be granted equivalence and the existing equivalence for New Zealand should be extended to sugar beet ;

Whereas, moreover, the "Special Conditions" have to be adapted to the special circumstances of the abovementioned countries ;

Whereas this Decision does not affect the provisions laid down in the Protocol on German International Trade and connected problems,

HAS ADOPTED THIS DECISION :

Article 1

With effect from 1 July 1978, there shall be added to the Annex to Decision 76/538/EEC, the entries set out in the Annex hereto.

Article 2

The "Special conditions" in the annex to Decision 76/538/EEC shall be amended as follows :

The following shall be added after item 6 :

"7. The seed has been produced on official premises."

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,

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ANNEX

No	Country	Authority	Species	Special conditions
1	2	3	4	5
21	Cyprus (CY)	Ministry of Agriculture and Natural Resources - Department of Agriculture, Nicosia	- Fodder kale	1,3,4,5,7
22	German Democratic Republic (DDR)	Amt für Standardisierung, Messwesen und Warenprüfung, Berlin	<ul style="list-style-type: none"> <li>- Beet</li> <li>- Grass and legume species subject to national rules on varietal control</li> <li>- Swede, fodder kale, fodder radish</li> <li>- Cereals, except canary grass, rice and maize</li> <li>- Oil and fibre plants subject to national rules on varietal control</li> </ul>	1,3,5,6 1,3,4,5 1,3,4,5 1,3,4,5 1,3,4,5
7	New Zealand (NZ)	Ministry of Agriculture and Fisheries	- Sugar beet	1,3,5,6

Proposal for a Council Decision on the Equivalence of the Checks  
on Practices for the Maintenance of Varieties carried out in Third countries.

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species (1), as last amended by Council Directive 73/438/EEC of 11 December 1973 (2), and in particular Article 21 (1) (b) thereof,

Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (3), as last amended by Council Directive 76/307/EEC of 15 March 1976 (4), and in particular Article 32 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas in Canada, the German Democratic Republic, Spain, Hungary, New Zealand, Poland, Sweden, the United States of America and South Africa varieties officially accepted in the Community must be maintained according to accepted practices for the maintenance of the variety ;

Whereas such practices are or may be officially checked in those countries ;

Whereas in examination of the conditions of official checks has shown that the checks on practices for the maintenance of varieties carried out in the said countries afford the same assurances as those carried out by the Member States;

Whereas this Decision does not preclude the Community findings being revoked or the extension of their period of validity being refused, when the conditions on which they are based are not or cease to be satisfied ;

Whereas, to this end, further practical information on seed of the varieties being maintained in the abovementioned countries should be obtained by growing and checking samples of such seed in comparative Community tests ;

Whereas it has become apparent that certain technical and administrative provisions in the Annex are subject to frequent amendment;

(1) O.J. N° L 225, 12/10/1970, p. 1

(2) O.J. N° L 356, 27/12/1973, p. 79

(3) O.J. N° L 225, 12/10/1970, p. 7

(4) O.J. N° L 72, 18/3/1976, p. 16

Whereas for the purpose of simplifying the procedure which at present governs amendments to the Annex, it seems desirable that such amendments should be referred to the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

Whereas this Decision does not affect the provisions laid down in the Protocol on German International Trade and connected problems,

HAS ADOPTED THIS DECISION :

Article 1

It is hereby noted that the checks carried out in the countries listed in the Annex hereto, as regards practices for the maintenance of the varieties listed in the said Annex in respect of the said countries, afford the same assurances as those carried out by the Member States.

Article 2

Technical and administrative amendments to be made to the Annex, with the exception of those concerning column 2 of the table, shall be adopted in accordance with the procedure laid down in Article 23 of Directive 70/457/EEC and in Article 40 of Directive 70/458/EEC.

Article 3

A finding as set out in Article 1 shall be withdrawn if it is established that the conditions therefor are no longer being satisfied.

Article 4

This Decision shall apply from 1 July 1977 to 30 June 1987.

Article 5

This Decision is addressed to the Member States.

Done at Brussels,

For the Council,

# ANNEX

1	2	3	4	5
Ref No	Country	Authority responsible for arrangement of checks on practices	Species	Maintenance Address Identification No
1	Canada (CDN)	Canada Department of Agriculture	Agricultural plant species with exception of potatoes	<u>National :</u> Canadian Department of Agriculture, Ottawa <u>Alberta :</u> K.P. Moase 71 Ave, Edmonton University of Alberta, Alberta <u>British Columbia :</u> University of British Columbia, Victoria <u>Manitoba :</u> University of Manitoba and Dr. B R Stefansson - Plant Science Dept. Winnipeg <u>Ontario :</u> E.T. Mc. Laughlin, Chairman Variety Testing Committee, c/o Canadian Seed Growers Association, Ottawa Box 8455 Oseco Ltd, Brampton, Box 219 Otto Pick & Sons Seeds Ltd Richmond Hill, Box 216 <u>Quebec :</u> McDonald College Montreal
2	German Democratic Republic (DDR)	Zentralstelle für Sortenwesen, Nossen	Agricultural plant species with exception of potatoes; Vegetable species	Deutscher Saatgut-Handelsbetrieb, Berlin Treptow DDR 1
3	Spain (E)	Instituto Nacional de Semillas y Plantas de Vivero, Madrid	Agricultural plant species with exception of potatoes; Vegetable species	Semillas Fito de Casimiro, Paseo Del Borne 8, Barcelona 3 E 1

1	2	3	4	5	
Ref. No	Country	Authority responsible for arrangement of checks on practices	Species	Maintenance Address	Identification No
4	Hungary (H)	Országos Fajtaminősítő Intézet	Agricultural plant species with exception of potatoes.	Agrimex Budapest Nador-u Hungary  Szarvas State Breeding Institute Hungary	H 2  H 1
5	New Zealand (NZ)	Advisory Services, Division of the Ministry of Agriculture and Fisheries	Fodderplants	DSIR, Private Bag, Palmerston North	NZ 1
6	Poland (PL)	Centralny Ośrodek Badań i Odmian Roslin Uprawnych (Coboru) Supia Wielka	Agricultural plant species with exception of potatoes	Rolimpex, Warschau	PL 1
7	Sweden (S)	Statens centrale frökontrollanstalt (Swedish Seed Testing and Certification Institute, Solna)	Agricultural plant species with exception of potatoes; Vegetable species	Nordreco All S - 267 00 Bjuv, Sweden Otto J. Olsson & Sons AB Hammenhog Hammenhög PBI Hammenhög Sweden AB Hammenhög Frö Hammenhög Hilleshög's Frö AB Landskrona. Weibull AB, Fa. W S - 26120 Landskrona Weibull S - 3261 Landskrona, Fack Allmänna Svenska Utsädesaktiebolager S - 26800 Svalöev	S 2 S 3 S 5 S 7 S 6 S 1 S 8 S 9

1	2	3	4	5
Ref. No	Country	Authority responsible for arrangement of checks on practices	Species	Maintenance Address Identification No
7				The Swedish Seed Association : S 4 Svalöf, Sweden General Swedish Seed Co : S 10 Svalöf, Sweden Sveriges Utsadesförening : S 11 Svalöf Weibullsholm Plant Breeding : S 12 Institute Svalöf
8	United States of America (USA)	Commission of the European Communities in relation with Seed Production Investigations, Forage and Range Research Branch, Crops Research Division, Agricultural Research Service, U.S. Department of Agriculture, Beltsville, Maryland	Agricultural plant species with exception of potatoes; Vegetable species	California : Dessert Seed Co : USA 1 PO Box 181, El Centro FMC Export Corporation : USA 2 Box 3071, Modesto Keystone Seed Co : USA 3 9870 Fairview Road Hollister Peters-Whoeler Seed Co : USA 4 PO Box 217, Gilroy Petoseed Co Inc : USA 5 PO Box 4206, Saticoy Connecticut : Asgrow Grange : USA 7 Asgrow Seed Co International - Orange Florida : J.W. Weston : USA 8 Coral Gables Idaho : Ardie G. Gustafson : USA 9 PO Box 855, Lewiston, Charter Seed Co : USA 10 PO Box Y, Twin Falls Crites-Moscow Growers Inc. : USA 11 Moscow, Gallatin Valley Seed Co : USA 12 PO Box 167, Twin Falls,

1	2	3	4	5	
Ref. No	Country	Authority responsible for arrangement of checks on practices	Species	Maintenance Address	Identification No.
8				Pure Line Seeds Inc. PO Box 8866, Moscow,	USA 14
				Roger Brothers Seed Co PO Box 2188 Idaho Falls,	USA 15
				Stubbs Seed Service PO Box 475, Moscow,	USA 16
				Western Valley Seed Co PO Box 558 Lewiston,	USA 17
				<u>Iowa</u> :	
				Pioneer Hi Bred International Inc. Des Moines,	USA 18
				<u>Louisiana</u> :	
				Louisiana Agricultural Experiment Station Baton Rouge:	USA 13
				<u>Maine</u> :	
				US Dept. of Agriculture Presque Isle,	USA 19
				<u>Maryland</u> :	
				ARS, USDA Beltsville,	USA 6
				<u>Michigan</u> :	
				Asgrow International Corporation Kalamazoo,	USA 20
				Ferry Morse Detroit	USA 21
				Michigan State University East Lansing,	USA 22
				<u>Minnesota</u> :	
				Northrup, King & Co Minneapolis 13,	USA 43



1	2	3	4	5	
Ref. No	Country	Authority responsible for arrangement of checks on practices	Species	Maintenance	
				Address	Identification No
8				<u>Missouri :</u>	
				Corneli Keystone	USA 23
				101 Chouneau Avenue	
				Saint-Louis 2	
				<u>New Jersey :</u>	
				Ratgers State University	USA 24
				P0 Box 231, New Brunswick	
				<u>North Dakota :</u>	
				Dept. Hort. NDSU	USA 25
				Fargo,	
				<u>Oregon :</u>	
				International Seeds Inc.	USA 44
				P0 Box 168, Halsey,	
				Merion Blaugras Assoziation	USA 26
				Fa.	
				Salem	
				Oregon Kommission für	USA 27
				Highland Kolonial	
				Bentgras	
				Salem	
				Oregon State University	USA 28
				Turf Seed Inc.	USA 29
				77 West G. Street,	
				P0 Box 250, Hubbard,	
				<u>Pennsylvania :</u>	
				Atlee Burper Co	USA 30
				Doylestown Philadelphia	
				Pennsylvania State University	USA 31
				<u>Rhode Island :</u>	
				Agronomy Department	USA 32
				University of Rhode Island	
				Kingston,	
				<u>Washington :</u>	
				Morrison Bros Seed Co	USA 33
				Sprague Avenue Spokane	
				Jacklin Seed Co Inc	USA 46
				Dishman,	

1	2	3	4	5	
Ref. No	Country	Authority responsible for arrangement of checks on practices	Species	Address	Identification No
8				W. Brotherton Seed Co Inc PO Box 906 Moses Lake	USA 34
9	South Africa (ZA)	Department of Agricultural Technical Services, Division of Seed Control	Fodderplants Maize Oil and Fibre plants	Secretary for Agricultural Technical services - Hamilton Street, ZA-Pretoria	ZA 1